

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MELLOW BEVERAGE CO., LLC,

Plaintiff,

vs.

SHANNON N. NOUNNA, *et al.*,

Defendants.

Case No. 2:09-cv-02090-LDG-PAL

ORDER

(Ex Parte Reqst to Vacate - Dkt. #45)

Before the court is a Notice of Defendant's Bankruptcy Petition and Ex Parte Request to Vacate Deadline to Submit Pretrial Order (Dkt. #45), filed by the Plaintiff. The notice indicates that on August 10, 2010, Defendant Shannon N. Nounna filed a voluntary petition with the United States Bankruptcy Court for the District of Nevada, and that Plaintiff just learned of Defendant's bankruptcy December 15, 2010, when contacting Defendant's counsel regarding the Joint Pretrial Order due Friday, December 17, 2010. Plaintiff asks that the court vacate the deadline for filing the Joint Pretrial Order as a result of Defendant Nounna's bankruptcy.

Although the bankruptcy code's automatic stay provisions prohibit proceeding with the case against Defendant Nounna, it does not automatically stay this action as to Defendant Beverage Concepts, Inc. The court will require counsel for Plaintiff to confer with counsel for Beverage Concepts, Inc., and submit a joint status report to advise the court how Plaintiff proposes to proceed against Defendant Beverage Concepts, Inc., and whether Plaintiff intends to seek relief from the automatic stay provisions of the bankruptcy code as to Defendant Nounna.

IT IS ORDERED that:

1. Counsel for Plaintiff and Counsel for Defendant Beverage Concepts, Inc., shall meet and confer and submit a Joint Status Report no later than **January 10, 2011**.

Dated this 23rd day of December, 2010.

Peggy A. Leen
United States Magistrate Judge